

REMARKS

Reconsideration of the pending application is respectfully requested on the basis of the following particulars:

Objections to the specification

The specification presently stands objected to as failing to provide proper antecedent basis for the claimed subject matter. Accordingly, Applicants have amended the specification at pages 3, 4, 5 and 6 and it is believed that these amendments have obviated the objection. Additionally, the specification has been amended to include further antecedent basis for amendments made herein to the claims. No new matter has been added. Accordingly, it is most respectfully requested that this objection be withdrawn.

Rejection of claims 1-13 under 35 U.S.C. § 112, first and second paragraphs

Claims 1-13 presently stand rejected as failing to comply with the written description requirement and as being indefinite. These rejections are respectfully traversed for the following reasons.

Claim 1 has been amended to more particularly define the present invention. The currently amended claim 1 is fully supported in Figs. 3, 6, 8, 10 and 12 and no new matter has been introduced. In claim 1, an air guiding member includes an air passageway divided into a first section and a second section. As can be seen in Figs. 3, 6, 8, 10 and 12, the first section receives a portion of the blades and a hub portion of the fan unit, and the second section functions to expand an air outlet of the air guiding member. Accordingly, it is believed that the amendment to claim 1 has obviated these rejections and withdrawal thereof is most respectfully requested.

Rejection of claims 1-13 under 35 U.S.C. § 103(a)

Claims 1-13 presently stand rejected as obvious, as follows. Claims 1-2, 5, 7-8, 9 and 11-12 are rejected as being unpatentable over Taiwanese Patent 540,641 (hereafter

TWP '641) in view of Hong (U.S. 5,582,506)(Hong '506) and either Ko (U.S. 2004/0201961) or Chen (U.S. 6,524,067); claims 1-2, 6-9 and 11-12 are rejected as unpatentable over TWP '641 in view of Hong (5,552,700)(Hong '700) and either Ko or Chen; claim 3 is rejected as unpatentable over TWP '641 and Hong '506 and either Ko or Chen and further in view of Katsui (U.S. 5,559,674); claim 4 is rejected as unpatentable over TWP '641 and Hong '506 and either Ko or Chen and further in view of Gan (U.S. 6,817,939); claim 10 is rejected as unpatentable over TWP '641 and Hong '506 and either Ko or Chen; and finally claim 13 is rejected as unpatentable over TWP '641 and Hong '506 and either Ko or Chen and further in view of Bendikas (U.S. 6,457,949).

These rejections are respectfully traversed for the following reasons.

Claim 1 has been amended to more particularly define the present invention. Claim 1 is characterized in that a heat dissipating fan includes a cover plate, an impeller attached to the cover plate to constitute a fan unit, and an air guiding member providing an expanded air outlet beyond the fan unit. It is further characterized in that the air guiding member includes an air passageway divided into two sections such that a first section is used to receive a hub portion of the fan unit and a second section functions to expand an air outlet of the air guiding member. Consequently, cool air running through the passageway of the air guiding member can naturally pass through near regions below the hub portion of the fan unit and then exhausted form the expanded air outlet of the guiding member.

In contrast, TWP '641 fails to disclose a fan unit spaced apart from an air outlet for allowing cool air to pass through near regions below a hub portion of the fan unit. In other words, it fails to disclose a sidewall or any air guiding member for confining cool air in the air passageway to pass through near regions below a hub portion of a fan unit. Instead, TWP '641 only discloses a top frame 70 and a housing 52 (see Fig. 9) for accommodating a fan wheel 60, and the top frame 70 cannot use to confine cool air to pass through below a hub portion of the fan wheel 60. The housing 52 has a base plate (not numbered) and a plurality of ribs 56 arranged at an air outlet of the air passageway, leaving *no portion* of the air passageway that extends *past the hub* portion of the fan wheel. In other words,

TWP '641 does not have *a first section* of the air passageway wherein a portion of the fan blades and hub are received, *and a second unobstructed section* of the air passageway *below the hub* portion of the fan unit.

Both Horn '506 and Horn '700 similarly lack these required elements recited by claim 1 of the present invention. In both Horn '506 and Horn '700, a base member is a finned plate (referenced as 1 in Horn '506 and 3 in Horn '700) that is solid, and therefore lacks an air passageway defined between a first end and a second end of a sidewall. Therefore, neither Horn '506 nor Horn '700 can be said to have an air guiding member including a sidewall and an air passageway defined between a first end and a second end of the sidewall. Thus, there is no sidewall for confining cool air to pass through below a hub portion of a fan unit is disclosed. There is, therefore, no teaching or suggestion to lead one of ordinary skill in the art to modify TWP '641 or either of Horn '506 and Horn '700 to arrive at the air passageway divided into two sections such that a first section is used to receive a hub portion of the fan unit and a second section functions to expand an air outlet of the air guiding member, as required by claim 1 of the present invention.

As to Ko, a housing having a plurality of ribs arranged in an air outlet is disclosed, as best shown in Figs. 2C-2D and 3A-3B. As to Chen, a fan guard 21 having a plurality of ribs 2121 arranged in an airflow outlet 212, as best shown in Figs. 2a and 2b. In conclusion, the ribs of the housing or fan guard can disadvantageously obstruct the air outlet of the housing. Thus, in both Ko and Chen, it cannot be said that either reference discloses or suggests "an air guiding member including a sidewall, an air passageway defined between a first end and a second end of the sidewall, and including no other member therebetween," as required by claim 1 of the present application.

It is respectfully submitted that none of the references applied in the Official Action discloses or suggests an air guiding member including an air passageway dividing into two sections such that the first section receives a hub portion of the fan unit and the second section functions to expand an air outlet of the air guiding member.

Therefore, there is no reasonable expectation of success for modifying or changing the top frame 70 or the housing 52 of TWP '641 to an air guiding member with an air passageway dividing into two sections such that the first section is used to receive a hub portion of the fan unit and the second section is used to expand an air outlet of the air guiding member. In addition, both the housing of Ko and the fan guard of Chen are provided with a plurality of ribs arranged in an air outlet. Also, there is no reasonable expectation of success for modifying the housing to form an air guiding member without any arrangement of ribs in an air outlet.

One of ordinary skill in the art could not possibly, in the absence of hindsight, have conceived of using the combination of a top frame 70 or a housing 52 of TWP '641 with a board member of Horn '506 or Horn '700 or a housing of Ko or a fan guard of Chen to achieve such an air guiding member of the presently claimed invention.

It is respectfully submitted that the references cited and applied in the rejection of claim 1 fail to disclose or suggest each and every element recited in claim 1 of the present application. Therefore, it is submitted that claim 1 is allowable over the cited references. Further, it is submitted that claims 2-13 are allowable because of their dependence from claim 1, and because the additionally cited references fail to overcome the deficiencies noted above with respect to claim 1. Accordingly, withdrawal of the rejections of claims 1-13 is respectfully requested.

Conclusion

In view of the amendments to the claims, and in further view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is requested that claims 1-13 be allowed and the application be passed to issue.

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Examiner: C. M. Verdier
Art Unit: 3745

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicant's attorney, the Examiner is invited to contact the undersigned at the numbers shown.

BACON & THOMAS, PLLC
625 Slaters Lane, Fourth Floor
Alexandria, Virginia 22314-1176
Phone: (703) 683-0500

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Respectfully submitted,

A handwritten signature in cursive script, reading "Richard E. Fichter".

RICHARD E. FICHTER
Attorney for Applicant
Registration No. 26,382